

# Court of Appeals, State of Michigan

## ORDER

People of MI v Everett Duane Kingsbury

Docket No. 283342

LC No. 07-001233-FC

Jane E. Markey  
Presiding Judge

William B. Murphy

Richard A. Bandstra  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the January 14, 2008 opinion and order of the Kalamazoo Circuit Court, which granted appellee's motion to quash the information, is VACATED. The trial court abused its discretion when it granted the motion to quash. *People v Clement*, 254 Mich App 387, 389; 657 NW2d 172 (2002). MCL 257.625(9)(c), as amended, and as applied to the facts of this case, does not implicate the Ex Post Facto Clauses of the Michigan and United States Constitutions. *People v Miller*, 357 Mich 400; 98 NW2d 524 (1959); *People v Callon*, 256 Mich App 312; 662 NW2d 501 (2003). This case is REMANDED to the trial court for reinstatement of the felony information. This order takes immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.

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A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 05 2008

Date

*Sandra Schultz Mengel*

Chief Clerk